

know what happened to spending and to the deficit over the past 40 years, the 40 years when liberal Democrats controlled the Congress.

Consider the 1980s when President Reagan was President. The Democrats controlled Congress and spent more than Reagan asked for 7 out of 8 of those years, and then turned around and blamed President Reagan for the deficits.

Think of it. Democrats in Congress refused to control spending, adding more and more big government programs each and every year, and then blamed President Reagan for the deficits.

Well, now Republicans control Congress by a slim margin and the "big spender" is down in the White House. We must reject his proposals to spend any projected surpluses and instead let us pay down the national debt and let us cut taxes.

SCHOOL VOUCHERS ARE A DROP IN THE OCEAN OF EDUCATIONAL NEED

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Madam Speaker, America has a commitment to public education, an education which is a requirement for our country to be competitive in this world. Public education needs to be available to all Americans. It is not designed to educate just a few Americans. We want to educate everyone.

We should not take scarce public education funds and use it to support private institutions that only educate a few. Vouchers are the solution of my Republican colleagues to help education, but it is but a drop in the ocean of need.

Education opportunity, smaller class sizes, more qualified teachers are what America's youth need. Safer schools. We debate national tests today and vouchers. We are not seeing the forest for the trees.

Let us deal with public education with more qualified teachers, safer schools, and make sure we educate everyone and not just a few.

PROHIBITION ON FEDERALLY SPONSORED NATIONAL TESTING

Mr. LINDER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 348 and ask for its immediate consideration.

□ 1015

The Clerk read the resolution, as follows:

H. RES. 348

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2846) to pro-

hibit spending Federal education funds on national testing without explicit and specific legislation. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 348 is a completely open rule providing for consideration of H.R. 2846, a bill that will prohibit Federal testing unless specific and explicit statutory authority is given. H. Res. 348 provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Education and the Workforce. The rule makes in order the Committee on Education and the Workforce amendment in the nature of a substitute as an original bill for the purpose of amendment which shall be considered as read. This rule also accords priority in recognition to Members who have preprinted their amendments in the Congressional RECORD and allows the chairman to postpone re-

corded votes and reduce to 5 minutes the voting time on any postponed question. These provisions will facilitate consideration of amendments. House Resolution 348 also provides for one motion to recommit with or without instructions.

Madam Speaker, this is a straightforward open rule for a straightforward bill that ensures that there will be no Federal education testing in the future without specific and explicit statutory authority. This is not the end of the debate on national testing. But simply a reassertion of the fact that any Federal testing measure must go through the proper committee process of the United States Congress first.

I have been asked a number of times, what is so wrong about national testing for America's children? This is a legitimate question. I want to explain why we are so concerned about this nationalized planning concept. First, according to the chairman of the committee and Senator ASHCROFT, the Federal Government's record in Federalized testing is substandard to be generous. In addition I am most fearful that a national testing standard would lead us down a slippery slope toward a national curriculum most certainly designed by some bureaucrat here in Washington. I dread the one-size-fits-all education approach contrived by someone who does not know the first thing about the citizens of Georgia.

This idea also gets to the heart of what we believe. We are committed to providing more freedom and less government for the American people. Education decisions belong with local school districts and families and teachers in their communities. We cannot support additional multimillion-dollar testing mechanisms that waste money and strip local control of education.

As Republicans prepare an education agenda which returns decisionmaking to parents and teachers, gives school districts more flexibility, gives children more opportunity, I grow increasingly frustrated as the President moves in the opposite direction toward a more bloated Washington education bureaucracy. We passed legislation forcing 90 percent of education spending to be spent in the classroom. Now in the President's budget, he has decided to increase the Education Department's bloated administrative budget and add \$143 million in programs that would never send a dime to the classroom.

Madam Speaker, we heard arguments in the Committee on Rules that consideration of this legislation is premature and unnecessary. On the contrary, with only about 86 legislative days in this session of Congress, Chairman Goodling deserves praise for moving this important legislation through the normal authorizing process ahead of the appropriations process. This bill deals very specifically with the issue of Federal testing, and there is no better time for this House to begin consideration of this matter than today.

H.R. 2846 was favorably reported out of the Committee on Education and the

Workforce as was this open rule by the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of this very important bill.

Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

The Republican majority seems unable to offer a positive, forward working agenda for the people of this great Nation. Instead my Republican colleagues seem to have chosen the refrain of the 1980s, just say no, to apply to any and all proposals of the current administration. And indeed my Republican colleagues seem to want to ignore the fact that they struck a deal just last fall with the same administration on the issue of national testing of fourth- and eighth-grade school-children.

Madam Speaker, my Republican colleagues seek to enact a permanent ban on the expenditure of Department of Education funds for any work on the development of such testing beyond the preliminary work agreed to last fall. Without waiting for the results of studies which are being conducted by the highly respected National Academy of Sciences, the Republicans want to just say no to the entire issue of national testing in reading and mathematics. This bill flies in the face of a carefully crafted compromise and undoes an agreement that was hard fought and hard won.

Madam Speaker, I do not want to prejudice the outcome of the studies that are now under way, studies that were agreed to by the full Congress just 3 short months ago. By doing so, Madam Speaker, I believe the Congress would be undermining the role of the independent and bipartisan National Assessment Governing Board whose role it is to oversee and assess the studies conducted by the NAS. In fact, Madam Speaker, the agreement reached last fall specifically calls for these, for those findings to be incorporated into reauthorization legislation for the testing program which will be considered this fall. Therefore, I must oppose both this rule and the bill because they break a deal this Congress agreed to.

Madam Speaker, we all want the best for our children and for all the children in this great Nation. I suggest that jumping to conclusions before the results have been tabulated is not doing the best for our kids. Why is it that my Republican colleagues are so opposed to the concept of testing children to determine if a child is keeping up with his grade level? The Republican Governor of my own State, George W. Bush, has publicly advocated the necessity of testing children for reading and math. He rightly says, and I quote, a child who can cannot read cannot learn, and to send our children through the system without teaching them to read is like sending them to Mount Ev-

erest without the tools or the training to reach the summit, close quote.

Governor Bush has advocated holding back third-graders who cannot pass a reading test and requiring that children pass reading and math tests in the fifth grade and reading and writing and math tests in the eighth grade. If the Republican Governor of Texas can advocate such testing and in fact recognizes the necessity to determine if our kids are meeting educational benchmarks, why are my Republican colleagues here in Congress so opposed to conducting a study and perhaps conducting field tests based on the results of those studies?

Madam Speaker, let me quote Governor Bush one more time. As he said to the Texas Education Association last week, "Some say tests should not matter, but I say our children are not with us long before they have to face the real world. And in the real world tests are a reality."

Madam Speaker, our children deserve the very best. The Congress has a moral obligation to ensure that the education they receive will prepare them for the very real world to which Governor Bush referred. This bill is a bargain-buster and is short-sighted and could, for all we know, shortchange our children.

Madam Speaker, while the resolution before us in fact is an open rule, it does not allow amendments which would permit the House to consider matters that would give our children access to the kind of public education we know they need and deserve.

The gentleman from Missouri (Mr. CLAY), the full committee ranking member, and the gentleman from California (Mr. MARTINEZ), ranking member of the subcommittee, oppose this bill and yesterday requested that the Committee on Rules make their alternative proposals in order. Those proposals which were rejected by the Republican majority would offer the House the opportunity to support a major school construction and renovation program as well as an initiative to assist in the implementation of locally developed public school renewal plans. Those are the issues we should be addressing today, Madam Speaker. It is the intention of the Democratic side to seek to offer those proposals by amending this rule, and accordingly it is my intention to ask for the defeat of the previous question.

Madam Speaker, I would like to suggest that this proposal does not do much for America's children. We would do much better by them by ensuring that their schools are safe inhabitable and that the programs we offer them will prepare them for life in the new century. We cannot do that by just saying no. Instead we must look for new answers. I urge defeat of the previous question.

Madam Speaker, I reserve the balance of my time.

Mr. LINDER. Madam Speaker, I yield myself 30 seconds to respond that while

both the gentleman from Texas and I agree that reading is important, he thinks we should spend the money discovering they cannot; we should spend the money teaching them to read.

This is an open rule. This rule does not prohibit any amendments from coming to the floor to amend this bill. If the gentleman would like to bring amendments to the floor that are simply not germane, that is their problem, not the problem with this rule.

Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), chairman of the committee.

Mr. GOODLING. Madam Speaker, I want to correct one or two statements that were made in the gentleman's time from the other side. First of all, this legislation has nothing to do whatsoever with anything that the National Academy of Science is doing. We are the people who ask the National Academy of Science to look at existing tests and see whether existing tests as a matter of fact can be used for whatever purpose it is they want to use them. We expect to use that when they present that to us as we go ahead and reauthorize NAEPS. That is the time for the discussion; that is the time for the debate. That is the time for the amendments, when we are involved in this whole business of testing from the national level.

We as a matter of fact have made it very clear that as we review all of the testing procedures, and keep in mind we spend \$30 million every year for NAEPS and NAGB, every year we spend that amount of money, but we will review what they are doing, we will review all of the testimony that we get, and then we will make a determination about this.

What this legislation does is give us the right that we have to make the determination of whether or not we want to move ahead with a national test. In other words, the President has always proposed, whomever that President is proposes, we dispose. That is our constitutional right; not only our right, that is our responsibility. All this legislation says is what the gentleman from Wisconsin (Mr. OBEY) said last fall, that we, when we authorize, will make that determination and that they do not go ahead until as a matter of fact we go through the authorizing process.

Now, Governor Bush is saying the same thing that 40 some other Governors have said. They have moved so far ahead of us when it comes to upgrading standards, they are so far ahead of us when it comes to determining assessments based on those standards, they are so far ahead of us in trying to put the horse before the cart. We are trying to do it the other way and trying to better prepare teachers.

□ 1030

That is what he is talking about. That is what all those governors are talking about. And basically what they are saying to us is what I said to the

President. We are going to fool around and we are going to dumb down what these governors and their legislative bodies are doing to improve standards and the ability to assess those standards.

What I have said so many times, is we do not fatten cattle by constantly weighing them. We should not tell 50 percent of our children and their parents one more time that they are doing poorly. They want to know what it is we are going to do to help them do better.

Mr. FROST. Madam Speaker, I yield myself 30 seconds.

It is very interesting, my Republican governor often disagrees with the far right Republicans in the House of Representatives. I suppose this will go on from time to time.

Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, during yesterday's Committee on Rules consideration the gentleman from California (Mr. MARTINEZ) and myself offered two amendments that addressed urgent public education priorities. One amendment calls for a \$5 billion investment to help local communities repair crumbling and overcrowded schools. The other would provide critical assistance to communities that are committed to locally driven public school renewal. Unfortunately, the majority of the Committee on Rules blocked consideration of these education measures by refusing to waive points of order against the amendments.

To me it is incomprehensible that we continue to ignore the needs of millions of schoolchildren desperately in need of our help. It is also incomprehensible to me that with all of the problems that we are facing and our school systems are facing that this silly piece of legislation would be the first one to come out of the Committee on Economic and Educational Opportunities in this session of Congress. It has nothing to do, it has no relevancy whatsoever with resolving or addressing the problems that our children are facing in the school system, and I urge my colleagues to defeat the previous question so we may address the Nation's real educational priorities.

Mr. LINDER. Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, national testing is opposed by the far right. It is opposed by the far right but not just the far right. That is quite the definition. Apparently, the conspiracy is America has now gotten to be now 350 Members of Congress. Two-thirds of America and two-thirds of the Representatives in Congress voted against this.

I hope that this resolution puts to rest this whole idea of national testing. The President seemed to have gotten

confused in his State of the Union address. He said, "Thanks to the actions of this Congress last year, we will soon have, for the first time, a voluntary national test based on national standards in 4th grade reading and 8th grade math."

Did I miss something? The truth is we proactively opposed these testing standards; 300 Members of Congress. We allowed very limited development as part of the compromise but, in fact, this has been taken that they are going to go ahead when that is the opposite message that we sent, which is why we are here this morning.

The idea that we had a compromise that somehow is going to move national tests means anybody did not read the details of the language. The fact is the specifics in that language are self-contradictory. It is dead as a doornail. We cannot satisfy both the minority concerns and those who want to measure.

We have restrictions in there that the tests cannot be biased. Quite frankly, that has been lodged against every test, and if that is the criteria these tests cannot go ahead. We have restrictions in there that it cannot be used for promotion. If it cannot be used for promotion and those type of things, what value is the test to the others?

There are self-contradictory things in one section and another in the restrictions we put on to kill it. It was a face-saving compromise. It was not a compromise to move ahead on national testing.

Now, why do so many people oppose it? Conservatives oppose it, minorities oppose it, teachers oppose it. And here is why. Conservatives oppose it because parents and local school boards believe they should make these decisions.

We want standards in our schools, we want standards on our teachers, but we do not want them in Washington. We do not want a national curriculum developed in Washington. It scares us to think that Congress and the President are going to control the curriculum.

Furthermore, this affects home schoolers. It affects private schools. Because if we want to move our kids back into the public schools, all of a sudden we have to be teaching to the tests they are taking in the public schools, which they will do, as the chairman pointed out, teach to test.

Minorities are justifiably concerned because it can be skewed against them, one, depending on the content of the test but, secondly, how it is used and how it makes inner city schools stack up against suburban schools or marginal schools. And parents then move around districts and businesses locate by that. That is something state and local people need to work through, not the Federal Government biasing people against local schools.

My daughter is in college right now studying to be an elementary Ed teacher. A lot of the reasons teachers oppose this is they know there are a lot of reasons other than what is right in front

of them and what they are teaching that lead to the scores of their students. Yet if we publish these scores, particularly if it is a national standard seen as some kind of litmus test for every teacher in America, those teachers are going to be very reluctant to go in the schools where we need them most. This is a death warrant, a death certificate potentially on the schools that we most need our best teachers.

Now, lastly, do we really want a test under the control of Congress? It is laughable to think that we are going to improve our educational standards in America by having a national test subject to politicians, whether it is the President of the United States or Members of Congress.

The truth is when history standards were developed Congress, House and Senate, overturned those history standards, I believe lousy history standards. We have math standards being floated that are both insulting and simplistic and stupid. Now, if those math standards go ahead, we are going to overturn those math standards.

I happen to be a creationist, many people are evolutionists. Do we really want to have that debate on science here in Congress as to these kind of tests? The idea that we will have an independent board at a national level that we are authorizing and we are not going to have control over things that are contradictory is silly. I think it is a devastating analysis in the end to put politicians in Washington in front of what is in the best interest of educating students at the local level.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, Democrats are ready to address the problems facing our public schools: To reduce class size, repair crumbling buildings and put computers in the classroom. We are prepared to go to work to raise standards and prepare our children for the challenges ahead.

Unfortunately, my Republican colleagues are not addressing the real issues facing our schools. Instead, they bring unnecessary legislation that blocks voluntary national tests, an important tool which can be used to ensure that every child can read, write and do basic math.

Parents across the country share my belief that these are very minimum standards to which our students, our schools, our teachers must be held accountable. Parents want higher standards. They want their children to succeed. Parents deserve an objective, reliable measure of how their children are doing in school and how well their schools are preparing their children. Parents and indeed all of us taxpayers deserve to know that our local schools are meeting our national expectations.

Madam Speaker, this issue was resolved last year during the appropriations process. The bipartisan agreement calls for test development to go forward and for the National Academy

of Science to study what type of test might work best for all of our kids.

Republicans in this Congress, as their nominee for President last fall articulated, do not believe that our country and the Federal Government should have a role in education. That is why they are backing out of the agreement.

The American people do want to have higher standards that they want their children to be able to meet in fact so that they can succeed in life and to have the opportunities as early as possible. We should vote against this legislation that works against our young people. We need to make education work for all children in this country.

Mr. LINDER. Madam Speaker, I yield myself such time as I may consume to point out it is not us backing out of the agreement, it is the President and the Secretary of Education backing out of the agreement.

Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Madam Speaker, I want to thank the gentleman for yielding me this time. I rise in support of H.R. 2846, a bill prohibiting any new Federal testing without specific congressional authority.

Let me first say that we do not need another achievement test for our Nation's students. Let me name a few of the tests we already have in existence. The Stanford Achievement Test, the Iowa Test of Basic Skills, the Comprehensive Test of Basic Skills, the National Assessment of Educational Progress, known as NAEPs, and the Third International Math and Science Study, known as TIMMS. Again, these are just a few of tests currently used to assess student performance.

So let us focus now for a moment on TIMMS. It is the largest study of educational achievement undertaken so far. There are 45 countries participating. Five grades are assessed in two school subjects, and approximately one million students tested in 31 languages. Through this study we already know how students in this country are performing in math and science, so why do we need another math test?

In July of 1997 the results of the TIMMS 4th grade math and science test were announced and we found out that American students scored about average in both math and science when compared with other countries. However, we found that students in six countries, Singapore, Korea, Japan, Netherlands, Czech Republic, Austria and Hong Kong did better than the U.S. students in math in the 4th grade.

Also in November of 1996, the TIMMS report showed that United States 8th graders were performing slightly above average in science but slightly below average in math.

Madam Speaker, the point is that we already know how American students are stacking up in these subjects and there is no need to spend more money on another test aimed at the same students, as proposed by the President.

The money and the effort involved in conducting another test could better be used to improve our educational system and help students achieve academic excellence.

Now let me ask that we vote for the previous question and the rule.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. MARTINEZ).

(Mr. MARTINEZ asked and was given permission to revise and extend his remarks.)

Mr. MARTINEZ. Madam Speaker, I am going to ask all of our Democratic colleagues to vote against the rule and vote against the previous question, because I really believe we are wasting our time here.

The gentleman from Missouri (Mr. CLAY), the ranking member on the committee, and I went to the Committee on Rules yesterday and offered two amendments that would really do something for the children in our schools across this Nation. They were rejected as nongermane. I guess that is the prerogative of the majority in the Committee on Rules, but let me say why I believe we are wasting our time here.

I supported the bill of the gentleman from Pennsylvania (Mr. GOODLING) when it came before us the last time, and that bill ended up in the labor HHS appropriations and was sent to conference. And during that conference there was a great controversy over whether that should remain in the bill, and the President, of course, wanting national testing, stood stiff and strong on it.

A compromise was made. An agreement was made. And in that agreement there was offered three studies which we were going to have the benefit of before we made any decisions on this side. But it was agreed that no money would be expended for field tests or deploying the test. In the act itself it recommends, as it was agreed to by both sides, it recommends that NAGB, who has exclusively rights to develop the test, would do certain things by certain dates. And that is all NAGB is doing.

I understand the concern of the gentleman from Pennsylvania (Mr. GOODLING) is that they are moving ahead too quickly and that this may become a reality, contrary to his wishes. As I said before, the gentleman from Missouri (Mr. CLAY) and myself supported the gentleman from Pennsylvania, and we did so because we had some questions about whether this expenditure of monies was the wisest or not.

The fact is we still have that question, but we were just as pleased that in the agreement there was a chance to provide studies to prove to us one way or the other whether they were needed or not or whether they would do any good or not. I think we should stick by that agreement.

I do not think that the administration is the reneging on the agreement. I think we are now, when we try to push forward this bill in order to nail

closed the barn door in order to make sure no horse gets out at all, not even one that would give us the knowledge we need to determine whether or not we need to proceed with those tests.

So I for one would ask all my Democratic colleagues to remain strong and stiff and resist this bill. This bill has been passed once already. There was a compromise in the conference and, as a result, all sides are proceeding according to that conference agreement, and I think we ought to abide by it.

This resolution will allow H.R. 2846, a bill to ban national testing, to come to the floor under an open rule. However, this rule, while being deemed "open," will not allow us to have a substantive discussion on the education issues of great concern to the American people—school construction and renewal of our neighborhood public schools.

Members who are listening to this debate may question why I am asking for consideration of such initiatives as a part of our discussion on this legislation since it is solely directed towards testing. I want to point out to the body that our committee and this House has had little opportunity to debate the real pressing educational needs of our country. Instead of considering measures to respond to our crumbling schools and efforts by our local communities to raise academic achievement, this House has considered legislation to authorize vouchers and block grants. These Republican-sponsored efforts are aimed at producing good sound bites for the 6 o'clock news rather than producing good public policy.

Ladies and gentlemen, these are not the answers America is looking for from its leaders.

Yesterday, during Rules Committee consideration of H.R. 2846, my good friend BILL CLAY and I asked that two separate amendments, dealing with local public school renewal and school construction, be made in order under the rule. Because these amendments are not particularly directed toward national testing, it was deemed that their consideration today was unnecessary.

I believe that if you ask the American people today whether we should be engaged in partisan wrangling over national testing or considering real measures to advance our children's educational opportunity, their support would be for the latter. I urge Members to defeat the previous question so we can have a real substantive debate on the educational needs of our Nation.

Mr. LINDER. Madam Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Madam Speaker, I thank the gentleman for yielding me this time.

Why are we doing this bill? That is a good question. A lot of what the gentleman from California (Mr. MARTINEZ) said I agree with, about the substance of the bill. The reason I think we are having to do the legislation now is because the President and the administration has not taken the results of our agreement seriously and there is a constant state of spin. Everything has to be spun.

The truth cannot be announced that when he sent a bill over here to create another national test, 295 Members of the House said no, not a good idea, Mr.

President, for a variety of reasons. Two hundred ninety-five Members of the House is a veto-proof vote.

Why were we so upset with this proposal and why did we support the Goodling amendment that stopped it in its tracks? There is a lot of reasons. If one is in a minority community, an inner city, where parents have a hard time getting their kids into a quality school, and we do a national test, those kids are going to do a lot worse on the test than somebody here in the suburbs of Washington. We already know that. We do not need to stigmatize those kids any more.

□ 1045

It is \$100 million. That bothers some of us, that we are going to spend \$100 million to develop yet another national test on the top of the ones that we have. So we said no overwhelmingly to the President. But every time he got to speak, the spending would reflect that he just could not get his way on this issue.

I thought the agreement was a good agreement, the slowdown, stop, no field testing, no pilot programs. We have done nothing in this legislation to prejudice the studies, to look at the existing tests we have so we can get some useful information out of it. This bill does not prejudice those studies that this House and the President agreed on.

The President said in the State of the Union, "Thanks to the actions of this Congress last year, we will soon have for the first time a voluntary national test based on national standards in fourth grade reading and eighth grade math."

That is not true. That is not what we agreed to. On the website for the Department of Education, they are advertising the implementation of a national test that Congress said, whoa, stop, slow down, no go. We are not going to give you the money. This is about keeping your word.

We need a legion of lawyers, apparently, to do a deal with this other crowd down the street. And that is very disturbing to me. I understand that many of my colleagues that voted for us are going to vote against it because they feel like they have to support the President.

The truth of the fact is that this agreement that we all worked so hard to get, a lot of hours spent by the gentleman from Pennsylvania (Mr. GOODLING) and others, handshakes were had; and it is in the law now not to implement a national test that Congress said is okay is being violated by the Department of Education. And every time the President speaks, he is denying that agreement.

That is what this bill is about, and that is why we are having the vote 2 weeks into that Congress to put us back on track, and we do need a legion of lawyers to do a deal with this guy.

Mr. FROST. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN asked and was given permission to revise and extend his remarks.)

Mr. GREEN. Madam Speaker, by "this guy," I think my colleague is referring to the President of the United States. Is that correct? So I would hope that after yesterday, when we named that airport for a former president, it is obvious that he will continue to respect the current president that was elected in 1992 and reelected in 1996, instead of just referring to him as "this guy."

Like a lot of my colleagues, Madam Speaker, I am not particularly thrilled about a national test. We have lots of State tests and everything else. But this bill is so premature I think it is ludicrous.

The number one concern of America's people is improving our Nation's schools. Americans are concerned about school children being required to attend classes that are overcrowded, school facilities that are falling down, schools that are not being held to accountable results. And yet, what do we get? The first bill out on education is to prohibit a national test.

I do not want a national test. The first bill we ought to do is say, okay, how can we fix the public schools instead of stopping the national test? Instead of bringing bills forward that address these critical concerns, we are seeing this bill today.

Nothing can happen on a national test until this Congress approves it, whether it be reauthorization or whether it be some other agreement. This bill is a waste of our time. We ought to be spending more time talking about fixing public education instead of this bill and talking about vouchers that supposedly are going to save everything. This bill is completely unnecessary, and it is an attack on our bipartisan agreement last year.

Why are my Republican colleagues wasting this time in the House? One of the reasons is that they do not have anything else to do. But the answer is that the Republicans, my colleagues, do not really have a pro-education agenda. They do not really want to fix overcrowding. They do not want to put more qualified teachers in the schools. They do not want to fix it to make sure that the schools are safe. They do not want to work with the States and the local communities to make sure education is a national concern and a national issue.

But it is really local folks in the school districts in our States who do most of the work. But we need to be the ones that say, hey, let us help.

Prohibiting a national test is, again, a waste of time. Many educational reforms, such as reducing the class size, building safer schools, training more teachers are much more important than some straw person that we are throwing up here, "We are going to fight a national test."

Again, there is not a demand for a national test. Last year, we had almost

300 Members of Congress, and I was one of them. I do not mind a voluntary national test that says, okay, State of Texas, you have lots of tests. But this is what we would like to do. See if we can correlate those tests. Let us do it. But it is voluntary.

That is what that agreement called for, and that is what I hope the Department of Education is working for. This bill is a make-work legislation. It does nothing to make education more effective or better.

Mr. LINDER. Madam Speaker, I yield another 1 minute to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee.

Mr. GOODLING. Madam Speaker, I was just amused that we ought to spend more time fixing public education.

First of all, in many areas of the country it ain't broke; and they prefer that we do not try to fix it. And, in other areas, we spent 35 years trying to fix it; and we messed it up royally. So I think we better be careful about how much knowledge and how much one-size-fits-all from Washington goes in relationship to improving academic achievement of our students.

We will have a lot of discussions on how we do that in the committee. We will have suggestions. We will have ideas. We will have legislation. All we are trying to do at the present time is say, there is a procedure. The procedure says that the Congress of the United States determines the direction we should be going. Only the President can suggest and recommend. All we are asking is give us what is our right and our responsibility, and that is to determine how this test should be put together. If this test should be enacted at all, the Congress makes that decision.

Mr. FROST. Madam Speaker, I yield 1 minute to the gentleman from Missouri (Mr. CLAY), the ranking member of the committee.

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding.

I just want to refute the statement that is continually made on the other side that the Democrats are violating a bipartisan agreement. Madam Speaker, the only agreement that we have was that in the appropriations bill passed last fall.

The appropriations bill agreement made two points. One, it made the National Assessment Governing Board responsible for development and administration of the test; and, two, it gave the National Academy of Science the obligation to conduct a series of studies that would help to inform future deliberations by this Congress.

If this bill passes, it will undermine the NAGB's role and prejudice the finding of the National Academy of Science. The bill that we passed only prohibited the use of 1998 fiscal year funds to field tests to administer or implement any national test. Fiscal year 1998 ends September 30th of this year. So this bill would preclude any testing. We are not in violation of the agreement; they are.

Mr. LINDER. Madam Speaker, I am not sure we are going to settle that violation question here today. But I yield 1½ minutes to the gentleman from Texas (Mr. PAUL) to try.

Mr. PAUL. I thank the gentleman for yielding.

Madam Speaker, I rise in support of this rule; and I support H.R. 2846, which forbids the use of Federal funds to develop or implement a national test without explicit authorization from Congress.

Supporters of protecting the United States Constitution from overreaching by the executive branch should support this bill. The administration's plan to develop and implement a national testing program without Congressional authorization is a blatant violation of the constitutional doctrine of separation of powers.

However, support of this bill should in no way be interpreted to imply that Congress has the power to authorize national testing. Education is not one of the powers delegated to the Federal Government.

As the 9th and 10th amendment makes clear, the Federal Government can only act in those areas where there is an explicit delegation of power. Therefore, the Federal Government has no legitimate authority to legislate in this area of education. Rather, all matters concerning education, including testing, remain with those best able to educate children: individual States, local communities and, primarily, parents.

I therefore urge my colleagues to vote for H.R. 2846 which stops the administration from ultimately implementing national tests and oppose all legislation authorizing the creation of a national test. Instead, this Congress should work to restore control over their children's education to the American people by shutting down the Federal education bureaucracy and cutting taxes on American parents so they may better provide for the education of their own children.

Mr. FROST. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Madam Speaker, let me explain something very clearly. In the agreement that was made and in the law now, no test can be conducted without the authorization of Congress. That is in there. In fact, in its planning stage with what is authorized in that agreement, they have changed the date. They have renewed the contract, changed the contract. The contract had already been let by the administration because they thought they had the prerogative to do that.

And NAGB then, when they were given the sole responsibility for this, not the responsibility of education as my friend from South Carolina says, but NAGB was given sole authority, and, in doing so, they called back the contract and renegotiated the contract.

They have the option now under the law and the agreement as it was made

to terminate that contract at any time, at any time upon the authority of Congress or on Congress deciding whether or not they should proceed. This is doing it without the benefit of the three studies that was also included in that agreement to give us a chance to really look at the merits of national testing.

Mr. LINDER. Madam Speaker, I yield 1 minute to the gentleman from Arizona, Mr. SHADEGG.

Mr. SHADEGG. Madam Speaker, I thank the gentleman for yielding time to me.

With all due respect to my colleague on the other side, I am afraid he does not read carefully the agreement which occurred last year. The legislation which addressed this issue was an appropriations bill. It cannot authorize. Appropriations acts cannot do that.

In the appropriation bill, it said specifically, no funds in this legislation may be used to implement or field test a national test. But I think listening to the debate, it is clear that we are missing some issues here.

Some of us believe strongly in education but strongly oppose a national test. Let me tell my colleagues why. Because if they go across America, as I have done and others have done on the Committee on Education and the Workforce, they discover that schools work where parents and teachers get involved, where they have possession of the curriculum, not where the curriculum is dictated by a national test.

But, for purposes of this debate, that is not even the issue. We can indeed, with the passage of this legislation, debate whether or not a national test dictated from Washington is a good idea. This bill lets the Congress do that. This bill gives us a chance to get into the merits of a debate of whether a national test crammed down the throats of the American people is the best thing for the American children.

I urge the passage of this bill.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to include extraneous material.)

Mr. FROST. Madam Speaker, I urge Members to vote against the previous question.

If the previous question is defeated, I will offer an amendment to the rule that will make in order the amendments offered in the Committee on Rules by the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. MARTINEZ), the Public Schools Renewal and Improvement Act and the School Construction Act. These are the kinds of programs we need to improve in order to improve our public education.

Vote no on the previous question so we can consider these two worthy legislative initiatives to improve the quality of our public schools.

Madam Speaker, I include the following for the RECORD:

PREVIOUS QUESTION FOR RULE ON H.R. 2846 TO PROHIBIT SPENDING FEDERAL EDUCATION FUNDS ON NATIONAL TESTING

TEXT:

At the end of the resolution add the following new section:

"Sec. 2. One amendment offered by Representative Clay of Missouri and one amendment offered by Representative Martinez of California each shall be considered as read, shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against an amendment offered under this section are waived.

The majority argues that our attempt to defeat the previous question is futile because our proposed amendment is not germane. The fact of the matter is that the chair has not made a ruling nor heard our arguments as to the germaneness of our amendment. The only way to make that determination is to allow us to offer the amendment by defeating the previous question.

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote.

A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan.

It is a vote about what the House should be debating.

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

I ask unanimous consent to insert material in the RECORD at this point.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate

vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the *Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. LINDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, at this point, I would like to urge all of my colleagues to vote for the previous question and for the rule. This is the third rule we have had on the floor in the second half of the 105th Congress. All three of them have been open rules, allowing any amendment in order at any time.

What the gentleman from Texas would like to do is create a political issue, to say, if you vote against the previous question, you are voting against schools construction when, in point of fact, they are not germane to the bill. They have nothing to do with testing.

Even were he to win his previous question vote, those amendments would continue to be ruled out of order for lack of germaneness. So I urge my colleagues to see through this little bit of a game. Vote for the previous question. Vote for the rule.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant of clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 185, not voting 25, as follows:

[Roll No. 8]

YEAS—220

| | | |
|---------------|---------------|---------------|
| Aderholt | Gilchrest | Paul |
| Archer | Gillmor | Paxon |
| Armey | Gilman | Pease |
| Bachus | Goode | Peterson (PA) |
| Baker | Goodlatte | Petri |
| Ballenger | Goodlums | Pickering |
| Barr | Goss | Pitts |
| Barrett (NE) | Graham | Pombo |
| Bartlett | Granger | Porter |
| Barton | Greenwood | Portman |
| Bass | Gutknecht | Pryce (OH) |
| Bateman | Hall (TX) | Quinn |
| Bereuter | Hansen | Ramstad |
| Billbray | Hastert | Redmond |
| Bilirakis | Hastings (WA) | Regula |
| Bileley | Hayworth | Riley |
| Blunt | Hefley | Rogers |
| Boehlert | Hill | Rohrabacher |
| Boehner | Hilleary | Ros-Lehtinen |
| Bonilla | Hobson | Roukema |
| Brady | Hoekstra | Royce |
| Bryant | Horn | Ryun |
| Bunning | Hostettler | Sabo |
| Burr | Houghton | Salmon |
| Buyer | Hulshof | Sanford |
| Callahan | Hunter | Saxton |
| Calvert | Hutchinson | Scarborough |
| Camp | Hyde | Schaefer, Dan |
| Campbell | Inglis | Schaffer, Bob |
| Canady | Istook | Sensenbrenner |
| Cannon | Jenkins | Sessions |
| Castle | Johnson (CT) | Shadeegg |
| Chabot | Jones | Shaw |
| Chambliss | Kasich | Shays |
| Christensen | Kelly | Shimkus |
| Coble | Kim | Shuster |
| Coburn | Kingston | Skeen |
| Collins | Klug | Skelton |
| Combest | Knollenberg | Smith (MI) |
| Cook | Kolbe | Smith (NJ) |
| Cooksey | LaHood | Smith (OR) |
| Cox | Latham | Smith (TX) |
| Crane | LaTourette | Smith, Linda |
| Crapo | Lazio | Snowbarger |
| Cubin | Leach | Solomon |
| Cunningham | Lewis (CA) | Souder |
| Davis (VA) | Lewis (KY) | Spence |
| Deal | Linder | Stearns |
| DeLay | Livingston | Stump |
| Diaz-Balart | LoBiondo | Sununu |
| Dickey | Lucas | Talent |
| Doolittle | Manzullo | Tauzin |
| Dreier | McCollum | Thomas |
| Duncan | McCrery | Thornberry |
| Dunn | McDade | Thune |
| Ehlers | McHugh | Tiahrt |
| Ehrlich | McInnis | Traficant |
| Emerson | McIntosh | Turner |
| English | Metcalf | Upton |
| Ensign | Mica | Walsh |
| Everett | Miller (FL) | Wamp |
| Ewing | Moran (KS) | Watkins |
| Fawell | Morella | Watts (OK) |
| Foley | Myrick | Weldon (FL) |
| Forbes | Nethercutt | Weldon (PA) |
| Fossella | Neumann | Weller |
| Fowler | Ney | White |
| Fox | Northup | Whitfield |
| Franks (NJ) | Norwood | Wicker |
| Frelinghuysen | Nussle | Wolf |
| Gallegly | Oxley | Young (AK) |
| Ganske | Packard | Young (FL) |
| Gekas | Pappas | |
| Gibbons | Parker | |

NAYS—185

| | | |
|-------------|--------------|-------------|
| Abercrombie | Barcia | Blagojevich |
| Ackerman | Barrett (WI) | Bonior |
| Allen | Bentsen | Borski |
| Andrews | Berman | Boswell |
| Baessler | Berry | Boucher |
| Baldacci | Bishop | Boyd |

| | | |
|---------------|----------------|---------------|
| Brown (CA) | Jackson-Lee | Pallone |
| Brown (FL) | (TX) | Pascrell |
| Brown (OH) | Jefferson | Pastor |
| Cardin | John | Payne |
| Carson | Johnson (WI) | Pelosi |
| Clay | Johnson, E. B. | Peterson (MN) |
| Clayton | Kanjorski | Pickett |
| Clement | Kaptur | Poshard |
| Clyburn | Kennedy (MA) | Price (NC) |
| Condit | Kennedy (RI) | Rahall |
| Conyers | Kennelly | Rangel |
| Costello | Kildee | Reyes |
| Coyne | Kilpatrick | Rivers |
| Cramer | Kind (WI) | Rodriguez |
| Cummings | Klecza | Roemer |
| Danner | Kucinich | Rothman |
| Davis (FL) | LaFalce | Roybal-Allard |
| Davis (IL) | Lampson | Rush |
| DeFazio | Lantos | Sanchez |
| DeGette | Levin | Sanders |
| Delahunt | Lewis (GA) | Sandlin |
| DeLauro | Lipinski | Sawyer |
| Dellums | Lofgren | Schumer |
| Deutsch | Lowe | Scott |
| Dicks | Luther | Serrano |
| Dingell | Maloney (CT) | Sherman |
| Dixon | Maloney (NY) | Sisisky |
| Dooley | Manton | Skaggs |
| Doyle | Martinez | Slaughter |
| Edwards | Mascara | Smith, Adam |
| Etheridge | Matsui | Snyder |
| Evans | McCarthy (MO) | Spratt |
| Farr | McCarthy (NY) | Stabenow |
| Fattah | McDermott | Stark |
| Fazio | McGovern | Stenholm |
| Filner | McHale | Stokes |
| Ford | McIntyre | Strickland |
| Frank (MA) | McKinney | Tanner |
| Frost | McNulty | Tauscher |
| Furse | Meehan | Taylor (MS) |
| Gejdenson | Meek (FL) | Thompson |
| Gephardt | Menendez | Thurman |
| Gordon | Millender | Tierney |
| Green | McDonald | Torres |
| Gutierrez | Miller (CA) | Towns |
| Hamilton | Minge | Velazquez |
| Harman | Mink | Vento |
| Hastings (FL) | Moakley | Waters |
| Hefner | Mollohan | Watt (NC) |
| Hilliard | Moran (VA) | Waxman |
| Hinchey | Murtha | Wexler |
| Hinojosa | Nadler | Weygand |
| Holden | Oberstar | Wise |
| Hooley | Obey | Woolsey |
| Hoyer | Olver | Wynn |
| Jackson (IL) | Ortiz | Yates |
| | Owens | |

NOT VOTING—25

| | | |
|------------|--------------|-------------|
| Becerra | Heger | Radanovich |
| Blumenauer | Johnson, Sam | Riggs |
| Burton | King (NY) | Rogan |
| Chenoweth | Klink | Schiff |
| Doggett | Largent | Stupak |
| Engel | Markey | Taylor (NC) |
| Eshoo | McKeon | Visclosky |
| Gonzalez | Neal | |
| Hall (OH) | Pomeroy | |

□ 1121

Messrs. WYNN, MURTHA, KLECZKA and TAYLOR of Mississippi changed their vote from "yea" to "nay."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

The SPEAKER pro tempore. Pursuant to House Resolution 348 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2846.

□ 1122

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation, with Mr. EWING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, about a year ago, President Clinton announced his proposal for a Federal test in fourth grade reading and eighth grade math, and the White House and the Department of Education relied upon a little-known program, the Fund for the Improvement of Education, for their authority. Yet, nowhere, nowhere in the Fund for the Improvement of Education is there specific or explicit authorization for the President's national tests in reading and math. Nor was the program ever intended as a justification for national tests.

A few years ago, the predecessor to the Fund for the Improvement of Education specifically and explicitly provided for "Optional Tests of Academic Excellence." However, the majority at that time in 1994 changed all that. That testing language was purposely removed by Congress in the Improving America's Schools Act of 1994. It is now clear that there is no current specific or explicit authority in the Fund for the Improvement of Education or any other statute for implementing the President's national tests.

When the testing issue was put to vote last Congress, nearly 300 Members voted against national testing, including many Members from both sides of the aisle. I realize that is diminishing because there are all sorts of pie-in-the-sky promises, and therefore, the vote will be different. That is obvious.

The final result of the appropriations activities last year was to prohibit pilot testing, field testing or any implementation or administration of the tests in 1998. Limited test development activities could go forward, because they already put up \$17 million, but what happens beyond 1998 was never addressed.

Despite the appropriate language, the White House and the Department of Education continue to represent to the public that testing will automatically go forward in future years, even without any action by Congress. That is wrong. No decision has ever been made by Congress about testing policy in the fiscal year 1999 or any other time thereafter.

Now, at the November 13, 1997 signing of the appropriation bill, the President said, "For the very first time, Congress

has voted to support the development of voluntary national tests to measure performance in fourth grade reading and eighth grade math. The tests will be created by an independent, bipartisan organization and will be piloted in schools next October 1998." 1998.

Just last week the President reiterated in his State of the Union address, and at that time the President said, "Thanks to the action of this Congress last year, we will soon have, for the first time, a voluntary national test based on national standards in fourth grade reading and eighth grade math."

Again, the point is that the Congress has made no decision about Federal testing in 1999 or future years. That was never even talked about. In addition, beginning in November of 1997 and continuing through January of 1998, the day of our markup last week, the Department of Education's website represented to the public that pilot testing would in fact take place beginning in the fall of 1998.

□ 1130

Here is how the web page read at that time: "The bill, [PL 105-78] provides full funding to proceed with immediate development of the first-ever voluntary national test in fourth grade reading and eighth grade math . . . The bill permits pilot testing to begin in fall 1998."

Never, never did any Congress ever say that that is what is going to take place. That is a decision that we as a Congress will make, not the President of the United States.

On the very next day after our markup, the Department changed the year for pilot testing from 1998 to 1999. Well, I know why. We all tried to tell them they cannot get a test that is going to be valid, worth anything, in less than 3 to 5 years. So NAGB, of course, redid the contract and rebid the contract and told them here is what we have to do.

We also found out a day after the markup that the display now says on their web site, "The first pilot tests are scheduled for the fall of 1999, and the first field tests in the spring of the year 2000."

Again, what I am trying to point out is there is no agreement about 1999, the year 2000, or any time thereafter. That is the only point we are trying to make in this legislation. It is our responsibility. The Congress of the United States, to make that determination.

Mr. Chairman, let me tell my colleagues who probably gave us the best argument for slowing down this train. It was the minority members on my committee. The minority members on my committee during markup gave us all the reasons why we should slow down this train. What did they say during markup? There were those that were concerned about tests being used for tracking. There were those who talked about we are concerned about language barriers in tests. There were those who said how are the tests going to be used? Are they going to be used

to compare schools, children, et cetera? There were those who were concerned about who determines the content.

All of these things came up during the debate when we were marking up this legislation. And what did I say to them? I said, "Well, let me ask you, did the Secretary call and ask you for any input on how they were putting this test together?" Total silence.

Then I said, "How about the contractors, did the contractors call you and ask you to give input on how they are putting together these tests?" Total silence.

And then I said, "Well, how about NAGB? Have they called and asked you for any input in what they are doing?" Total silence.

And, of course, that is the whole purpose of this piece of legislation today; to give those people who were asking those questions an opportunity to participate in any kind of development. To make sure that their concerns that they had, legitimate concerns, are realized and that they are understood.

But if we do not do what we are going to do today, they get no opportunity to participate in any way, shape, or form, it is a done deal. And so we get 300 math professors who say, wait a minute, they are moving in a way of constructing a test that really is not the best way to teach mathematics. We have reading people saying is the reading test dealing with phonics? Is it dealing with look-see? Is it dealing with any other kind of programs that may be out there, whole language? They need to have answers to those questions.

My colleagues on the committee have to have answers to those questions. My colleagues who are on the minority side truly need to have answers to those questions.

The only way they get to participate is if we, as a matter of fact, accept this legislation today so that we become the players, the Congress of the United States, in determining what goes forward as we reauthorize NAEP and NAGB this year, we look at the whole picture.

Now, there are some who say this would jeopardize what the National Academy of Sciences is doing. It does not have anything to do with what the National Academy of Sciences is doing. As a matter of fact we will take what they do. They are due, I believe, June 1 with their report. That will be considered. It does not interfere with anybody out there who has any kind of input they want to put in.

Mr. Chairman, all it says is: Hold it, administration. The decision is made here in the Congress of the United States. Constitutionally, it is our authority. Constitutionally, it is our responsibility.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am very disappointed that we find ourselves debating this bill today. With all the problems facing our schools, overcrowded

classrooms, crumbling buildings, teacher shortages, it boggles the mind to see that the first bill passed out of the Committee on Economic and Educational Opportunities this year is one as petty as this one.

It is designed as a political ploy to embarrass Secretary of Education Riley and President Clinton. There is no reason to act on this bill today. The fiscal year 1998 Labor HHS Education Appropriations bill is very clear. It prohibits the use of 1998 fiscal year funds to field test, administer, distribute or implement any national test. The appropriations bill also requires three separate studies by the National Academy of Sciences, which are due later this year.

This proposal fails to address a number of issues of critical concern to parents, students, teachers and schools. And I ask some questions, some very basic questions that this Congress ought to be asking, that our Chairman referred to in his opening remark:

Will a national test accommodate students who have limited English proficiency or disabilities? Could the test be used for high stakes purposes such as tracking, funding reductions, grade retention and graduation thresholds? How will civil rights protections be ensured in the development, use, and administration of the test? How do we weed out bias and discrimination in the content of a national test? And most importantly, will those students who fail the test be provided significant new resources to ensure that they will have real educational opportunities?

These are legitimate concerns and legitimate questions that this Congress ought to answer. But if this bill passes, the sponsor of this bill will preclude the Congress from ever acting in these areas.

Mr. Chairman, we should act to resolve these and other serious questions about national testing in a measured, deliberate way during this year's reauthorization of the National Assessment of Education Progress, and the National Assessment of Governing Boards.

Mr. Chairman, with so few days in this legislative session, it is critical that the House act wisely and constructively on urgent education priorities. We should be passing legislation to repair our Nation's crumbling schools and overcrowded schools. We should be initiating legislation calling for reduced class sizes and stronger after-school programs. This bill does nothing to address these critical needs. Therefore, Mr. Chairman, I urge its defeat.

Mr. CLAY. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding, and I agree with the gentleman's statement.

Mr. Chairman, this bill seems to follow in the footsteps of Forrest Gump. That is that it seems to be in a state of

denial. I am not qualified to participate in this debate, because I have taken educational measurement courses and have taught secondary school for about 10 years and I do not find much of a discussion that is connected to the real world of education or testing.

I think maybe following the logic in this bill we ought to ban all testing, because they are imperfect instruments. And the issues being raised in terms of problems are not unique. In fact, there is a body of knowledge that for 100 years has gone on with educational measurement that has tried to address these issues and perfect the ability to utilize reliable and valid instruments.

Mr. Chairman, I commend Members of Congress for taking this on in a few hours today in resolving this problem in favor of not having banning national tests. That way nobody will know what they are receiving and whether or not they are attaining the educational goals and we will all be happier for it; just like the character Forrest Gump.

Mr. CLAY. Mr. Chairman, I thank the gentleman for his comment, and I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA) a distinguished member of the committee.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the bill offered by the gentleman from Pennsylvania (Mr. GOODLING), and also in support of his statement. I want to associate myself with the gentleman's remarks.

Mr. Chairman, as a member of the authorizing committee, I believe it is not only inappropriate, it is also wrong for the President to use any funds on a program that has not been authorized by the relevant committee, the Committee on Education and the Workforce.

If we do not pass this bill today, we will be allowing the President to circumvent our committee and that action would mock the fundamental constitutional separation of powers principle.

Despite the fact that the administration has no specific or explicit authorization, the President has already put the Department of Education on a track to develop and implement these tests automatically without our authorization. I do not understand this.

Until Congress has the opportunity to review the proposal, no action should be taken. Congress must and should act to look into any national testing proposal and whether such an idea is a good test or not. I do not believe it is a good way of spending Federal dollars, but that is really beside the point of this debate right now.

Mr. Chairman, I do want to say and advise our colleagues here that we already have numerous tests, including two federally funded testing programs.

The first, the National Assessment of Education Progress, and the other, the Third International Mathematics and Science Study, not to mention all the State programs.

Additional Federal dollars, and I want my colleagues to understand this because we are under very strong restrictions about Federal money and where it is coming from and where it is going, additional Federal dollars should be better spent improving our schools and the education of our children. We should be spending those Federal dollars, limited as they are, in the classrooms on programs such as Head Start and Early Start and teacher preparation.

Additionally, in my opinion, the national test would inevitably lead to a de facto national curriculum, but that is one of the discussions we should have and the debate when the committee discusses and really evaluates whether or not there is any merit to a national testing program.

But I even have a greater concern, and all of us know it, and I actually think the ranking member made an indirect reference to this, there is a question as to whether or not a national testing program leads to teaching to the test. There have been all kinds of studies done about the limitations of testing and to what extent teaching to the test will really obscure proper educational goals.

So there are all kinds of reasons why we should be having an appropriate national debate through the committee of authorization on this subject. And no money should be spent without the authorizing committee's action on this issue.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, last fall, Members of Congress from both parties worked with the administration and drafted a bipartisan agreement on what we could and what we could not do regarding national testing. Since then, there has been no evidence that the administration or any of the agencies named in that agreement have broken the agreement. Yet here we are, Mr. Chairman, not 3 months later, after putting the agreement together, debating again the development of national tests.

I cannot help but believe that this legislation is motivated more by political urgency than by any real need. I hope that my colleagues will join me in putting the partisan politics aside. Vote "no" on H.R. 2846 and let us get to work on what we really need to do on reducing crowded classrooms, training more teachers, building new schools, and helping all of our children achieve high standards.

□ 1145

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), another member of the committee.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

I think we have a tremendous disconnect in the reality of education in America today which concerns me a great deal. And that is that we have studies that show that the ultimate consumers in terms of what happens to the education product, if you want to phrase it that way, the colleges and the workplace all say the kids are just not doing as well as they should, that education is not where it should be. But if we look at polls on how our schools are doing on a local basis, we will find that parents and others say, gee, they are achieving at an 80 percent level or whatever it may be. We just do not find that to be the right answer out in the workplace.

I am one who believes that we need some sort of national comparison. I am not sure if we need a national voluntary test or not, and for that reason I am going to support the legislation. I do not think that this legislation has gained adequate support from families and educators in the States or Congress yet, and the National Assessment Governing Board, on which I actually served for a couple years, has recommended that the test be delayed until 2001. And the administration wants to move it up. Tests cannot be done that rapidly. They are very difficult to do.

But having said that, I do not come down on the side of those who say that we need no testing at all. I would hope that in our looking at reauthorization of NAGB and NAEPs later this year that we look seriously at that question. I will tell my colleagues most of the tests that are given now on a national level do not lend themselves to comparisons from one place to another because they are not given in a way so that we can make the comparisons. That is intentional to some degree, and I do not think we are going to learn too much by any studies on tests which exist right now. But I think we have to do something about it.

We talk about State standards, for example, as a way of doing this. My State happened to adopt very tough standards, and most of the students did not meet the standards. Then they took a national test and they did pretty well on the national test. There is at least one Southern State in which 80 percent of the kids did extraordinarily well on that State's standards, and they took the national test, and I think fewer than 20 percent of them actually did well on the national test. What does that mean? Does it mean that the Delaware students are better or worse because they did well on the Federal, not well on the State? I do not know. I think we need that comparison.

Believe me, now, in my State, we have comparisons school by school, and it has driven education reform tremendously. It appears in our newspapers. They see what it is. Parents are able to make choices now within public schools. It has made a huge difference as far as education is concerned. I think we really have to continue to look at the subject and develop it in every way we possibly can.

There are those who I know oppose any kind of national testing, and I would tell them I would hope they would keep their powder dry, continue to look at this subject. I think we understand there are reasons, which range from fears of discrimination or national curriculum or wasting Federal dollars or students' time with yet another test. But there has to be something to improve education.

I think part of it is to get into this whole issue of some sort of a comparison, be it testing or whatever it may be. I have heard critics of testing say that one does not fatten a cow by weighing it regularly, and we should not test kids that way. But I will tell Members that this is not testing kids in the same way from one State to another. We have got to be able to make a fair comparison. Right now the State tests do not do it. So let us all try to work together on this. This is a very important issue for the future of this country.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I want to thank the ranking member, the gentleman from Missouri (Mr. CLAY) for yielding the time to me.

It seems that we are into this thing again when we did it once last year at the close of the last session. I do not know why we are doing this thing at this time. I would rather be spending the time very clearly making a difference in things that matter to children across the Nation, things that are desperately needed like teacher training, classroom construction and a whole lot of other things that I could go into and I will not at this time.

What really disturbs me is that in the past we, in the majority on the committee, especially this committee, have worked in a bipartisan way. That is not true in the debate that is before us today. Only a few months ago the chairman deservedly has to be given credit for working out a compromise, and that compromise that was reached between the chairman, the gentleman from Pennsylvania (Mr. GOODLING), and the administration on what national testing activities would be allowed during the fiscal year of 1998.

As Members know, that agreement banned all activities except those related to the development and planning of tests. In addition that compromise required the National Academy of Science to issue three studies, and those studies were intended to give the Members information which would be

key to enlightening us to the policy decisions on this issue. Lastly the compromise transferred oversight of the test to the National Assessment Governing Board, or NAGB, as the gentleman from Delaware (Mr. CASTLE) has referred to that he served on, to assure a nonpartisan supervision of those tests.

With this compromise recently put into place, I was one Member who thought that we would be informed by the NAGB studies prior to a substantive debate during our committee's consideration of NAGB; that is, NAGB reauthorization. However, this is clearly not the major intent here.

I have great respect for the gentleman from Pennsylvania (Mr. GOODLING); I always have had. Traditionally our committee, as I said before, has resolved our differences in a bipartisan fashion. The past session of Congress, under the leadership of the gentleman from Pennsylvania (Mr. GOODLING), we followed that theme. Consideration of this bill, however, has been handled in exactly the opposite fashion. Despite the objections of Secretary Riley, the gentleman from Missouri (Mr. CLAY), ranking member, and several prominent civil rights groups, the gentleman from Pennsylvania (Mr. GOODLING) has pushed forward with this legislation. In the committee we asked him to postpone its consideration until the review of the reauthorization of NAGB, and he did not see fit to do so.

Frankly there is little if any need for us to be considering this on the floor today. It is all in law and exactly the things that he is concerned about exist in that law, and the National Assessment Governing Board is following the letter of that law. They have sent a letter, as I said before, to the gentleman from Missouri (Mr. CLAY), and I have a copy of the letter which indicates that they have every intention of following the law and not proceeding with testing or deployment of testing until the Congress authorizes it. Frankly, I believe that Members on our side of the aisle, even if they voted for the bill the first time, in this case should vote against this bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), another member of the committee.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me the time. I would also like to congratulate the chairman on leading the fight on this issue.

I think there is at least three issues we need to talk about today. The first thing is that the executive branch is moving outside of the intent of Congress. They are moving forward in defining the Federal Government's role in education without an agreement and without a consensus having been developed between the executive branch and Congress. This is a key issue and we should not move forward on this issue without an agreement between the executive branch and this Congress. This

Congress and this committee should set the direction for national testing.

A second issue that we really need to have a national debate about, beginning in this committee, is exactly what is the role of the Federal Government in education. Last year we went to 14 States, had hearings, had 22 different field hearings, and what we are hearing at the local level are some tremendous progress being made in education. It is not because of what we are doing here in Washington, but it is because of what parents, teachers and administrators are doing at the local level.

They are not sure that at the local level they want the Federal Government building their schools, hiring their teachers, feeding their kids, developing their curriculum, putting in their technology or determining their class size. They would like to have something to do at the local level as it regards to their schools and their children.

The third issue is even if we did testing, is this the right way to do it? We had hearings in Delaware, my colleague from Delaware described the process that they have gone through in that State. It is a difficult process. In Delaware I believe it took about 3 years. They worked aggressively at the grassroots level to involve parents, to involve teachers, to involve administrators, and to involve elected officials. That is the way to do it. We do not do testing, we do not make this kind of change by one branch of government moving forward and saying, this is what we are going to do, and leaving the rest of us behind.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Chairman, at a time when the Nation's attention is focused on education as a national priority and certain significant initiatives and programs have been clearly set forth by the President in the State of the Union address, the response of the committee of jurisdiction is a bill which implies that testing is the number one priority. And even worse than that, it appears that the sequence and the date for the testing and the fine print of a deal that was negotiated by a handful of people is more important than a response of the committee of jurisdiction to the agenda that has been laid out by the President.

Leadership on education improvement should be regained by the committee of jurisdiction, the Committee on Education and the Workforce. We have all kinds of folks who have taken over that leadership. Most of all the Committee on Appropriations makes the most significant legislation on education nowadays. I do not think that is appropriate and it is not the wisest use of the talent here. The committee that has the institutional memory, the committee that knows the issue across the

board should be the committee where the major decisions are made.

We would like to get on with it. Let us have the hearings on the construction initiative. I do not agree with the gentleman from Michigan who said that local people want something to do, to keep the Federal Government totally out of it. There is plenty for local people to do. I think most localities would appreciate some help with school construction. That is rural, suburban and certainly the inner-city communities. New York City certainly needs some help just to convert coal-burning boilers in schools into more efficient and less dangerous boilers. Just a few days ago we had a situation where a school had to be evacuated because a 70-year-old coal burning boiler was leaking carbon monoxide.

So we have an emergency in many ways. Certainly the infrastructure emergency, the emergency which cries out for help most is the one related to construction. Let us have a hearing, a series of hearings; let us begin legislation on that. Sequence is very important. Before you get into testing, I am all against testing until we deal with opportunity to learn. This opportunity to learn which the Committee on Appropriations took out of legislation a few years ago, that has to come first. Opportunity to learn means you provide decent, safe, physical facilities. Opportunity to learn means that you provide teachers who are trained, and you improve the teacher-student ratio.

Some of the things that have been set forth by the President in the State of the Union address relate to providing an opportunity to learn. Before you drop the load on the backs of the children and say, we are going to test you, give them a chance to learn.

At present there is a great need for leadership from the Federal Government in terms of leading the States and the municipalities to do more to improve these opportunities to learn. We had a deal that was negotiated by a few members on the subcommittee outside of the usual democratic process where you have a committee of the conference, a committee, a group of members in the committee. So we are sort of locked out of this process of really knowing what the agreement was except what we see in writing. Why should we proceed with that? Let us deal with the substance of the education improvement issue and not with the frills and the details of a deal that somebody thinks has gone bad but there is plenty of time to correct if they think there is correction needed.

I urge a no vote on this unnecessary legislation.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, I rise in support of the bill offered by the

gentleman from Pennsylvania (Mr. GOODLING) and commend him for his tireless efforts in this area and thank him for yielding time to me.

I totally agree with the gentleman that preceded me. The gentleman from New York says that testing is unimportant. The fact is we should be spending money elsewhere. I am particularly pleased that the gentleman from Pennsylvania (Mr. GOODLING) has brought the bill to the House early though in this session so that it can be fully aired, passed and sent to the other body and sent to the President early this year.

There is no argument that students should be held to high standards and teachers, students and parents should have a clear idea on their educational progress toward meeting those standards. But national testing is a perfect example of how the Clinton administration makes policy. If it sounds good, if it polls good, and if the focus groups say it is needed, well, then it is automatically great national policy even when it does not work. It is spending resources, valuable resources, scarce resources, in areas that do not need it.

We do not need national testing. We need good education, just as the gentleman from New York said. The fact is that there are many ways to assure high quality education to meet the needs of today's economy, and I commend the gentleman from Pennsylvania (Mr. GOODLING) for putting a stop to this single-minded big government approach to the problem.

□ 1200

If there was any doubt that the Clinton testing plan was at best folly, simply imagine the logistic and cost nightmare on test day. On that day the reading test would have to be delivered to over 3 million students in 64,000 elementary schools in the Nation at more or less the same time. Delivery would have to be an overwhelming task. Security so that people do not cheat, an endless ordeal. The cost would be astronomical and the cost would recur each year.

Mr. Chairman, the testing, as proposed by the administration, violates our values of local control. People that know the best about education are the people at home. It provides opportunities for educational fads like "whole math" to be suddenly imposed and is scornful of the real issues raised by the minority and disadvantaged communities and just will not work. We need to apply the money on teachers and better schools, not on national testing.

I support this bill and urge its adoption.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this legislation. This bill would stop

the development of voluntary testing dead in its tracks. It would block cities and States from pursuing a new tool in our efforts to make our schools the best in the world. These tests are not about history, not about science curriculum, they are about the ability to read and write, to add and subtract. Mr. Chairman, there are just no politics in the A, B, Cs; no hidden agendas in the 1, 2, 3s.

Mr. Chairman, an agreement on Federal support for voluntary Federal testing was reached last year. That agreement permits limited test development but not its implementation. It was my understanding that the gentleman from Pennsylvania approved that compromise. Why are we wasting time revisiting an issue that we resolved just a few short months ago?

Last year six of the Nation's seven largest cities accepted the challenge of voluntary national tests, including New York City, Chicago, Philadelphia, Los Angeles, Atlanta and Detroit. These communities have decided that voluntary national performance measures can help them determine what is working and what needs fixing.

Mr. Chairman, I would urge my colleagues to permit limited test development to move forward and move on to debate ways to repair crumbling schools, reduce class size and keep schools open after hours. Let us talk about ways to promote educational reform and excellence, not slow it down. Vote "no" on this legislation.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BARRETT), a member of the committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the President wants voluntary tests identifying individuals, schools and States as meeting or failing voluntary education standards. His education plan calls for voluntary tax credits to build more schools. He is also volunteering the Federal Government to hire 100,000 teachers. Sounds to me like the era of big government is still alive and well over at the White House.

Mr. Chairman, are we to volunteer ourselves to the nationalization of our education system? Will Uncle Sam test, set standards, build the schools and hire the teachers? If so, we might as well tell our State legislatures, boards of education and local school boards to go home, Uncle Sam has taken charge.

H.R. 2846 brings sanity to the process. It tells the administration that Congress will live up to the deal we made in the last appropriations bill but, most importantly, the bill maintains the right of people's Representatives to settle the question of education testing. Support H.R. 2846 and preserve the rights of Congress.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

This debate is really a debate about our Nation's future. This morning in this hall we opened the session with a pledge of allegiance in which we pledged to be one Nation. But what is that debate? What does it mean when we want to be one Nation? Well, one Nation is about national priorities and to have priorities we must make priorities.

This Nation has found it important to have national standards for aviation, obviously for food safety, and even for truck tires, but we have never made it a national priority for education. There are no national standards. Think about that.

High school standards are set by local communities and State legislatures. College boards exams are a private industry, not regulated by government. Everyone knows that tests are essential to function in our society. We require them for everything from driving a car to entering the Armed Services.

This bill is the wrong way to go because we ought to have our national priorities be as important to us in education as they are for entering the military or driving a car. And we will never be one Nation unless we put education at that high priority. And when we do, we truly will be one Nation under God, with liberty and justice for all.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODE), a State where on their own they have done remarkable things in relationship to standards and assessment.

(Mr. GOODE asked and was given permission to revise and extend his remarks.)

Mr. GOODE. Mr. Chairman, I want to commend the gentleman from Pennsylvania (Mr. GOODLING) for his initiative in this area, and he is correct, Virginia is a leader in testing its students. We want to see education maintained at the local and State level.

I supported this measure the first time and am very glad to support it this time, and I want to read a few statements from a teacher in the Pennsylvania County School System.

"I am greatly disturbed by the President's attempt to sponsor national student testing. I am intimately aware of the problem confronting teachers, parents, employers and students' ability to perform many needed basic skills. I don't see that more tests, especially those generated by administrators or bureaucrats at a national level, will identify any problems that teachers on the front line have not already known. National standards have no meaning to localities except one more example of the Federal Government trying to run the show."

He said it all, Mr. Chairman.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, what gall for the majority to argue today the merits of local governance when just yesterday they trampled on the local rights of Virginians. Are we only principled when it suits our purposes?

I rise today in strong opposition to this extraneous legislation. I happen to support national tests, so it is easy for me to oppose this bill. But I would oppose it even if I opposed national testing. Have we already forgotten how painstaking was the compromise that was mapped out before the Labor-HHS appropriations bill could be signed into law?

That compromise is good policy. It will give us an opportunity to get the facts before we debate the merits of national testing. The National Academy of Sciences would conduct a series of studies to inform us before we administer any national tests.

I think we all want to do the right thing on the national testing issue, we just disagree about what the right thing is. Getting the facts on national testing before we debate whether or not to have tests is a step in the right direction, but this legislation would deny us that opportunity.

While I understand the desire of the chairman, the gentleman from Pennsylvania, to keep discretion over authorization of national testing in his own committee, he will have that opportunity when the committee reauthorizes the National Assessment of Education Progress and the National Assessment Governing Board. There is no reason not to wait until we consider legislation to reauthorize those programs and debate this issue at the appropriate forum.

I urge my colleagues to oppose this politically motivated attempt to secure jurisdiction where jurisdiction has already been established.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a former member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, there is a vision for education and a vision that could be bipartisan, but it chooses not to, unfortunately, because of partisan politics.

We can have big government control of education or we can have it where parents, teachers, local administrators can control that. We talk about voluntary national testing. The gentleman from Michigan Mr. DALE KILDEE, who was the ranking minority member on the subcommittee, he and I killed national history standards. Why? As a previous history teacher, the gentleman from Michigan saw they were teaching more about Madonna than they were the Magna Carta, and that the Federal Government was getting involved in socialized history and the standards that went into it. And the worst part was that the textbook companies, before that bill was ever passed, had set forth that liberal agenda into our schools. And that is wrong.

The President talks about more money for school construction, but yet the other side of the aisle denied the average age of D.C. schools is 60 years. And when they talk about school construction and more tax dollars for it, the other side rejected that all we had to do is waive Davis-Bacon and we would save 35 percent of school construction. But yet the union bosses controlled the other side of the aisle and they rejected it. So there is a difference in vision.

The Democrats had 40 years to establish the foundation of public education. Public education should be the foundation of this country. It spreads across a lot of lines, but yet they want big bureaucracy, big government control. There are 760 Federal education programs. The President wanted \$3 billion for a new literacy program. There are already 14 literacy programs, Title I is one of those.

What is wrong with saying let us take one or two and get rid of the rest of the bureaucracy that steals the money for big Washington government and keeps it from going down to the classrooms so that teachers and parents and administrators can have more control instead of big Washington union bosses and bureaucrats?

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise today in strong opposition to this legislation and I urge my colleagues to vote against it.

In the balanced budget President Clinton presented to the Congress last week he laid out an action plan for improving America's schools, a plan to reduce class size, thereby creating a better learning environment for our children, better opportunity to have discipline in our schools. The plan also called for repairing of crumbling schools, putting computers into every classroom, training teachers so that our children will be prepared to meet the challenges of the 21st century.

And instead of considering legislation to improve our schools, Republicans today are bringing this unnecessary legislation to the floor to block national tests that would, in fact, help to ensure that every child in our country meets higher standards in math and in reading.

Voluntary national tests would give us the opportunity to gauge our children's progress in these basic skills. These are essential skills to ensuring a future success in life. Tests will let parents know that local schools, that teachers are doing their job and holding them accountable for the results that they achieve.

Mr. Chairman, this issue was resolved last year during the appropriations process. The bipartisan agreement calls for test development to go forward and for the National Academy of Sciences to study what type of test might work best for our kids. Quite honestly, Republicans in this Congress,

as their nominee for President last year articulated, do not believe that our country and the Federal Government should have a role in education. That is why they are backing out of that agreement.

The American people want this Nation to have high education standards. I want high education standards. We in this body should be for high education standards. That is why I oppose this legislation.

□ 1215

Let us stop wasting our time on this unnecessary legislation. We ought to be working together to pass measures that improve our schools and make education today work for our young people.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I was going to say to the Chairman of the committee that we have several people who have indicated they want to speak, but only one is on the floor. So I guess we will call on him.

I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding.

Largely ignored in this morning's debate on this question of the testing on national educational concerns is the fact there is a test going on right here this morning, and the scores are already in. When the question is concentrating on those issues, on the periphery of the lives of ordinary Americans, this Republican leadership scores an unqualified A-plus.

Whether it is naming an airport and switching the name of one President for another or dealing with something that the administration is not really doing right now, they have done excellent, absolutely outstanding, in concentrating on these issues that do not really make a flip to ordinary American families who are out there struggling to make a go of it and are trying to get their kids through the schools.

But when it comes to a commitment, a Federal commitment to back up our families, to support our local school boards and the many other groups, whether it is the PTA or the large adopt-a-school program that our Chamber of Commerce does down in Austin, TX, and Uvalde, TX, and in Pflugerville, TX, to back up and support those local efforts, when it comes to ideas, new ideas and new approaches to improve the quality of education, that test score is in also. And just like last year, this Republican leadership scores an unqualified F. They do not even get up to D-minus.

Because the only new idea they have only advanced, other than trying to prevent other people from doing something to improve the quality of public education in this country, something that our parents and our communities all over this land want, the only solution that they have offered, they will not vouch for public education, they

want to voucher out a privileged 10 percent and move them off into private academies and leave the other 90 percent to sink. That is not a solution. It is contributing to part of the problem.

What we need to be doing is not dealing with things on the edge of reality but concentrating on how we can reshape and reinvigorate some of our existing programs and channel those resources to reduce class size, improve teacher training, focus on many things, that we share common concerns and not focus on these things that will not make a difference one way or the other in the quality of any child's education.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished Whip.

Mr. DELAY. Mr. Chairman, I thank the Chairman for yielding.

I want to rise in favor of this resolution because this resolution is quite simple. It says that the President cannot formulate a national test for our students unless the Congress specifically authorizes such a test. It is just that simple. It is not all the other things that we have heard.

This might seem like a typical inside-the-Beltway type of squabble between the President and the Congress, but I say to my colleagues that there is a bigger principle at stake in this resolution: Who should control the education of our children? Should it be parents or should it be the Federal Government?

The administration and its supporters in the Congress want more control over local communities and parents when it comes to educational policy. They want to expand the national bureaucracy at the expense of working families. They want to promote a one-size-fits-all education system, a system that dictates national standards and promotes a national curriculum and gives more power to Federal bureaucrats.

We want to return power to families. We want to give parents more choices. We want our local communities to make the decisions, not some huge Federal bureaucracy. That is why we support the concept of school choice. That is why we believe working families should be able to use tax-free education savings accounts so that parents can have more options for their children. And that is why we oppose efforts by this administration to waste money on needless tests and wasteful national bureaucracies.

So I ask my colleagues to support this resolution and support America's working families.

Mr. CLAY. Mr. Chairman, I have no further speakers, and I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington, Mrs. LINDA SMITH.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I especially want to thank the Chairman of this committee. Because many would shirk at the issue

of national testing because we often think that testing is the way to assure education.

But this last week, my school board members came to me and they said, "Oh, please, do not test us any more. We already in our State have a 4th and 8th grade test. We are already having the teachers complain that they are working to test instead of working to teach."

So today what we are saying is Congress should take a look at this. And it really says, Mr. President, you cannot spend that \$342 million developing a new bureaucracy, a new test, until you talk to us and we talk to the people. That is what this debate is about. It is about talking to the people.

When my school board members, one by one, from all over the State that has little to big districts, come and say, all of our administration is Federal regulation, testing and bureaucracy and it is even affecting the classroom, we should take a look. The people elect Congress, they elect us to represent them, and I think we should stop and take a look.

This is a great bill, and I strongly support it.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished Ranking Member for giving me this opportunity to speak in opposition to H.R. 2846, the prohibition on Federally sponsored national testing.

As my colleagues know, this legislation would prohibit the development and the administration of volunteer national testing without specific statutory authority. This is a controversial issue, clearly; and there are Members on both sides of the aisle who have questions about testing. But that is not the issue before us today.

Last year, members of the Committee on Appropriations spent weeks diligently working with the author of the legislation, the gentleman from Pennsylvania (Mr. GOODLING), the authorizer, to craft an acceptable compromise to this language. But that never, in fact, belonged in an appropriations bill in the first place, that the National Academy of Science would continue its studies on development of the test.

The National Assessment Governing Board has recently determined that, even if we should decide that the voluntary testing should proceed, the test cannot be sufficiently developed and ready to be administered until the year 2001.

Mr. Chairman, the purpose of the proposed test is to help our students learn and to improve their performance. A voluntary national test will determine whether our children possess the basic skills they need to achieve and help their parents and teachers help them learn. But a bipartisan compromise was worked out in good faith 3 months ago to resolve this controversial issue. We do not need another resolution.

What we do need is to focus our efforts on making educational opportunity possible for all other children by rebuilding schools in desperate need of repair, reducing class size, and creating after-school programs.

Mr. Chairman, I urge my colleagues to vote "no" on H.R. 2846.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) has 8 minutes remaining, and the gentleman from Pennsylvania (Mr. GOODLING) has 4¼ minutes remaining.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER), and then I will close.

Mr. SOUDER. Mr. Chairman, I know many people are concerned about the standards in their schools. But this is something different. This is Washington pointing an accusing finger at our Nation's children, many trapped in inner city, broken down schools and saying you miserable little failures. Do we really want Washington doing that?

Many people, myself included, I think have been very confused by the mixed signals that the President is sending. Now I happen to believe that there is a responsible public policy approach to dealing with a potential surplus. For that reason, I am cosponsoring legislation offered by the gentleman from Wisconsin (Mr. NEUMANN) which is consistent with a number of important policy objectives.

Last year, 300 of us had the courage to say that is not Washington's business, that is the business of parents, local school boards, and the States.

The question today and the question before us is who is going to flip-flop their vote today.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me once again focus the debate on the real issue. I agree with every question the Ranking Minority Member asked. We need to have answers to those questions before anyone progresses with a test as a done deal.

The only way we get to do that, as a matter of fact, is if we now pass this legislation. Otherwise, we do not participate. We have not been allowed to participate up to this point. We will not then.

We have a lot of questions to ask. We have hearings in February. We have a hearing in March on testing. A lot of questions to ask. And we need a lot of answers. One of those will be, who pays? Who pays? They are very leery back there about who pays. Cops on the beat, oh, yes, we will pay one time, and then we are stuck.

Well, let me tell my colleagues about the President's budget. The President cuts \$450 million from effective programs that operate on the local level. The President adds \$150 million for programs that will be operated out of Washington, D.C. They have a right to ask who pays. We do it one time and

then they are stuck with it. Again, this is putting the cart before the horse for them to move ahead without any consultation with us.

We have all the questions I ask. We have all the questions the Ranking Minority Member asks. They need to be answered. And they will be answered as we have our debate in committee and then as we bring that debate to the floor of the House.

But the only way we can get answers to those questions is if we are players. And the only way we can be players is if we pass this legislation so that, as a matter of fact, we get to participate in this debate, and we get to ask the questions that the Ranking Member has asked and I have asked.

So I ask my colleagues to, I realize, as I said before, there are a lot of pie-in-the-sky promises out there. I know the vote will be different. But I ask Members to vote for it. Vote your conscience. Do not vote pie-in-the-sky promises.

Mr. CRAPO. Mr. Speaker, I thank the distinguished gentleman for yielding to me and I rise to express my support for overriding the President's veto of H.R. 2631, the Line Item Veto Cancellation Act.

Mr. Speaker, I am a long-time supporter of the line-item veto. This new law makes possible a more restrained Congress, but also entrusts the President with the important responsibility of using this new power wisely. That is why I was so disappointed to see the President make a misinformed decision in canceling funding for 38 military construction projects, including 2 in my home state of Idaho, and then repeating this mistake by vetoing this legislation.

As we all now know, based on faulty and outdated information provided by the Department of Defense, President Clinton eliminated needed funds for a B-1B bomber avionics facility for low-altitude navigation and a F-15C squadron building for planning and briefing combat crews at Mountain Home Air Force Base. Both of these projects are among the Air Force's top priorities and were a part of the President's own 1999 and 2000 Pentagon budgets. These facilities are critical because the 366th Composite Wing at Mountain Home Air Force Base represents one of our nation's premier rapid-deployment forces in times of an emergency. Even Defense Secretary Cohen has reflected on the critical role of the 366th Wing in our national security structure and acknowledged that "it must maintain peak readiness to respond rapidly and effectively to diverse situations and conflicts." For service at home and in the Middle East, Central America, and Europe, the men and women of Mountain Home Air Force Base have answered the call of their country; it is only right and proper that the Commander in Chief recognize this important commitment.

I was pleased to assist in the effort to provide the President with line-item veto authority. However, this power is significant and must be practiced with great care and attention to preserve the system of "checks and balances" in our Constitution. It is my hope that the President understands this and will in the future only exercise the veto in appropriate cases.

At this time, I would like to express my appreciation to Chairman PACKARD, Chairman

SKEEN, and the House leadership on both sides of the aisle for considering this measure today to overturn the President's veto. This action today will send a strong message to the Senate and White House that the American people expect careful use of the line-item veto. It will also demonstrate to opponents of the line-item veto that the new law works and is consistent with our Constitution.

Mr. RADANOVICH. Mr. Chairman, I rise today in support of H.R. 2846 which bars Federal spending for planning, developing, implementing or administering national education testing unless such tests are specifically authorized by Congress.

Passage of this bill is good for our schools. The President's strong support of national testing reveals serious philosophical differences between many in Congress and the Administration with regard to the role that teachers, parents, school board members and local communities play in ensuring that our children have the best possible opportunities for education available to them.

A national test would tell us little more than we already know—that the measure of a child's education is determined both by the quality of the education that the child has access to and the willingness and ability of that child to learn. I oppose such a test because I believe that we need to invest in our schoolchildren and in their education, not just their test.

Make no mistake, I think schools should provide minimum requirements and standards of learning. However, we should not expand the role of the Federal Government in education to achieve this goal. Our teachers, parents, school districts and local communities, particularly those in California's Central Valley, are more capable of cultivating a better education for our children, and in measuring that education, than federal bureaucrats in Washington, D.C. Federal money is better spent on improving the conditions and quality of our schools than on a full-employment program for administrators of a national education test.

National testing is the first step towards further federal intervention and control of the education of our children. In order to administer a national test, it first must be written. This job, no doubt, will be performed by federal bureaucrats in the Department of Education. Soon, these same individuals will be setting the reading and math standards for our nation's schoolchildren. Next, the Department of Education will want to set the curriculum of school districts and classrooms to meet those standards as evaluated through the federal test.

Mr. Speaker, we spend over \$29.5 billion on the federal Department of Education. According to a recent study, only 85 cents of each dollar that the department allocates for elementary and secondary education actually makes it to the local school district. One study of a New York public school system showed that only 43 cents of every district dollar actually made it into the classroom.

If we want to maximize our return on federal education dollars, we need to skip over the bureaucracy, reject national testing and provide as much funding as possible directly to communities and schools.

Besides shifting education funds to local communities, it is important that we ensure our children are given the educational choices and opportunities they deserve. This means

giving states, school districts, local communities, teachers, and parents flexibility to implement policies and use resources that best respond to the education needs of that particular community—and not forcing them to adopt a national one-size-fits-all test.

My goals for educating our children are not tied to national testing. Instead, we must maintain our strong commitment to education funding that shifts more dollars and greater control to our states, communities, parents and teachers.

I urge my colleagues to vote in favor of H.R. 2846.

Mr. PAUL. Mr. Chairman, I rise in support of HR 2846, which forbids the use of federal funds to develop or implement a National Test without explicit authorization from Congress. Supporters of protecting the United States Constitution from overreaching by the Executive Branch should support this bill as the Administration's plan to develop and implement a national education test without Congressional authorization is a blatant violation of the constitutional doctrine of separation of powers.

However, support for this bill should in no way be interpreted to imply that Congress has the power to authorize national testing. After all, Congress, like the Executive and the Judicial branches of government, must adhere to the limitations on its power imposed by the United States Constitution. Although many seem to have forgotten this, in our system, the limits set by the Constitution, rather than the will of any particular Congress, determine the legitimate authority of the United States Government.

The United States Constitution prohibits the executive branch from developing and implementing a national test, or any program dealing with education. Education is not one of the powers delegated to the Federal Government, and, as the ninth and tenth amendment make clear, the Federal Government can only act in those areas where there is an explicit delegation of power. Therefore, the Federal Government has no legitimate authority to legislate in the area of education. Rather, all matters concerning education, including testing, remain with those best able to educate children—individual states, local communities, and, primarily, parents.

Implementation of a national test also must be opposed because of its primary effect: the de facto creation of a national curriculum. Many supporters of a national testing try to minimize this threat to local and parental sovereignty by claiming the program would be voluntary. However, these are many of the same people who consider Goals 2000 a "voluntary" program, despite the numerous times Goals 2000 uses the terms "shall" and "must" in describing state functions. Furthermore, whether or not schools are directly ordered to administer the tests, schools will face pressure to do so as colleagues and employers inevitably begin to use national tests as the standard by which students are measured for college entrance exams and entry-level jobs. At the very least, schools would soon find federal, and perhaps even state, funding conditioned upon their "voluntary" participation in the national testing program.

Educators will react to this pressure to ensure students scored highly on the national test by "teaching to the test"—that is, structuring the curriculum so students learn those subjects, and only those subjects covered by

the national tests. As University of Kansas Professor John Poggio remarked in February of last year, "What gets tested is what will be taught." Government bureaucrats would then control the curriculum of every school in the nation, and they would be able to alter curriculums at will by altering the national test!

Private schools and home schools will be affected as well, as performance on the national tests becomes the standard by which student performance is judged. Those in private and home schools will face increasing pressure to participate in national testing and shape what is taught to fit the criteria of the tests.

National testing is a backdoor means by which the federal government can control the curriculum of every school in the nation. Implementation of national testing would be a fatal blow to constitutional government and parental control of education.

The Executive Branch has no constitutional authority to implement and develop a national test and the Congress has no authority to authorize the test. I therefore urge my colleagues to vote for H.R. 2846, which stops the Administration from ultimately implementing national tests and oppose all legislation authorizing the creation of a national test. Instead, this Congress should work to restore control over their children's education to the American people by shutting down the federal education bureaucracy and cutting taxes on America's parents so they may provide for the education of their own children.

Mr. WELDON. Mr. Speaker, last year this Congress voted 295–125 against allowing the federal government to establish national tests for education. However, President Clinton and the Federal Department of Education continue to pursue their effort to establish national testing. I am very disturbed, but quite frankly not surprised by the President's efforts to bypass the Congress and establish national testing. He has done this in other areas as well.

The Constitution gives the Congress, not the President, discretion over federal spending. The Congress has not authorized the Administration to expend taxpayer funds on developing or implementing a national education test and it is wrong for the Administration to pursue such efforts.

The American people don't want federal control of education and that is exactly what national testing moves us towards. H.R. 2847 would ensure that the House Committee on Education and the Workforce (the Congress) will have increased involvement and discretion over this program. I am a proud cosponsor of this legislation and am hopeful that we can move it forward.

Unlike liberals in Washington, I believe that states and local communities are better equipped to design and implement school assessment programs because they are closer to the needs and abilities of their students, teachers, and schools. Furthermore, national testing could lead to a watered-down, ineffective test which holds everyone to lower standards. It also would divert scarce federal education dollars away from the classrooms and would reallocate them toward bureaucracy and test administrators.

I am very concerned about the potential that a national test could effectively lead to the adoption of a national curriculum. In this scenario, individual school districts would be compelled to conform their classroom curriculum

to the national test in order to ensure that their students did well on the test. Educating children and giving them the skills and abilities they need would be sacrificed so that learning is geared toward doing well on a national test. I believe education decisions should be made by state and local governments, not the federal government.

Finally, many states and local communities have done a considerable amount of work to develop their own standards. Florida has been a leader in this area and has just completed an extensive effort to improve standards and implement its own state test. For the federal government to thwart the extensive effort and expenditure of the State of Florida is wrong and should be rejected. I trust the people in the State of Florida to do what is right, not the bureaucrats and education elite at the Federal Department of Education in Washington.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) High State and local standards in reading, mathematics, and other core academic subjects are essential to the future well-being of elementary and secondary education in this country.

(2) State and local control of education is the hallmark of education in the United States.

(3) Each of the 50 States already utilizes numerous tests to measure student achievement, including State and commercially available assessments. State assessments are based primarily upon State and locally developed academic standards.

(4) Public Law 105-78, the Labor, Health and Human Services and Education Appropriations Act, 1998, ensures that Federal funds may not be used to field test, pilot test, implement, administer, or distribute in any way, any federally sponsored national test in fiscal year 1998, requires the National Academy of Sciences to conduct a study to determine whether an equivalency scale can be developed that would allow existing tests to be compared one to another, and permits very limited test development activities in fourth grade reading and eighth grade mathematics in fiscal year 1998.

(5) There is no specific or explicit authority in current Federal law authorizing the proposed federally sponsored national tests in fourth grade reading and eighth grade mathematics.

(6) The decision of whether or not this country implements, administers, disseminates, or otherwise has federally sponsored national tests in fourth grade reading and eighth grade mathematics or any other subject, will be determined primarily through the normal legislative process involving Congress and the respective authorizing committees.

SEC. 2. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Part C of the General Education Provisions Act is amended by adding at the end the following:

"§ 447. Prohibition on federally sponsored testing

"(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and, except

as provided in sections 305 through 311 of Public Law 105-78, the Labor, Health and Human Services and Education Appropriations Act, 1998, funds provided to the Department of Education or to an applicable program under this Act or any other Act, may not be used to develop, plan, implement (including pilot testing or field testing), or administer any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to the Third International Math and Science Study or other international comparative assessments developed under authority of section 406(a)(6) of the National Education Statistics Act of 1994, and administered to only a representative sample of pupils in the United States and in foreign nations."

The CHAIRMAN. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. EWING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation, pursuant to House Resolution 348, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. MCHUGH). Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 242, nays, 174, not voting 14, as follows:

[Roll No. 9]

YEAS—242

| | | |
|---------------|---------------|---------------|
| Aderholt | Gilman | Paxon |
| Archer | Goode | Pease |
| Armey | Goodlatte | Pelosi |
| Bachus | Goodling | Peterson (MN) |
| Baker | Goss | Peterson (PA) |
| Ballenger | Graham | Petri |
| Barr | Granger | Pickett |
| Barrett (NE) | Greenwood | Pitts |
| Bartlett | Gutknecht | Pombo |
| Barton | Hall (TX) | Porter |
| Bass | Hamilton | Portman |
| Bateman | Hansen | Pryce (OH) |
| Bereuter | Hastert | Quinn |
| Bilbray | Hastings (WA) | Radanovich |
| Billirakis | Hayworth | Ramstad |
| Bliley | Hefley | Redmond |
| Blunt | Hill | Regula |
| Boehlert | Hilleary | Riggs |
| Boehner | Hobson | Riley |
| Bonilla | Hoekstra | Roemer |
| Boyd | Holden | Rogan |
| Brady | Horn | Rogers |
| Bryant | Hostettler | Rohrabacher |
| Bunning | Houghton | Ros-Lehtinen |
| Burr | Hulshof | Roukema |
| Buyer | Hunter | Royce |
| Callahan | Hutchinson | Ryun |
| Calvert | Hyde | Salmon |
| Camp | Inglis | Sanford |
| Campbell | Jenkins | Saxton |
| Canady | John | Scarborough |
| Castle | Johnson, Sam | Schaefer, Dan |
| Chabot | Jones | Schaffer, Bob |
| Chambliss | Kaptur | Sensenbrenner |
| Chenoweth | Kasich | Sessions |
| Christensen | Kelly | Shadegg |
| Coble | Kim | Shaw |
| Coburn | King (NY) | Shays |
| Collins | Kingston | Shimkus |
| Combest | Klecza | Shuster |
| Condit | Klug | Sisisky |
| Cook | Knollenberg | Skeen |
| Cooksey | Kolbe | Smith (MI) |
| Cox | LaHood | Smith (NJ) |
| Crane | Largent | Smith (OR) |
| Crapo | Latham | Smith (TX) |
| Cubin | LaTourette | Smith, Linda |
| Cunningham | Lazio | Snowbarger |
| Danner | Leach | Solomon |
| Davis (VA) | Lewis (CA) | Souder |
| Deal | Lewis (KY) | Spence |
| DeFazio | Linder | Stearns |
| DeLay | Lipinski | Stenholm |
| Diaz-Balart | Livingston | Strickland |
| Dickey | LoBiondo | Stump |
| Doolittle | Lucas | Sununu |
| Doyle | Manzullo | Talent |
| Dreier | McCollum | Tauzin |
| Duncan | McCrery | Taylor (MS) |
| Dunn | McDade | Taylor (NC) |
| Ehlers | McHugh | Thomas |
| Ehrlich | McInnis | Thornberry |
| Emerson | McIntosh | Thune |
| English | Metcalfe | Tiahrt |
| Ensign | Mica | Trafficant |
| Evans | Miller (FL) | Turner |
| Everett | Mollohan | Upton |
| Ewing | Moran (KS) | Walsh |
| Fawell | Morella | Wamp |
| Foley | Myrick | Watkins |
| Fossella | Nethercutt | Watts (OK) |
| Fowler | Neumann | Weldon (FL) |
| Fox | Ney | Weldon (PA) |
| Franks (NJ) | Northup | Weller |
| Frelinghuysen | Norwood | White |
| Gallegly | Nussle | Whitfield |
| Ganske | Oxley | Wicker |
| Gekas | Packard | Wolf |
| Gibbons | Pappas | Young (AK) |
| Gilchrest | Parker | Young (FL) |
| Gillmor | Paul | |

NAYS—174

| | | |
|--------------|----------------|---------------|
| Abercrombie | Gutierrez | Oberstar |
| Ackerman | Harman | Obey |
| Allen | Hastings (FL) | Olver |
| Andrews | Hefner | Ortiz |
| Baesler | Hilliard | Owens |
| Baldacci | Hinchey | Pallone |
| Barcia | Hinojosa | Pascarell |
| Barrett (WI) | Hooley | Pastor |
| Bentsen | Hoyer | Payne |
| Berman | Jackson (IL) | Pomeroy |
| Berry | Jackson-Lee | Poshard |
| Bishop | (TX) | Price (NC) |
| Blagojevich | Jefferson | Rahall |
| Blumenauer | Johnson (CT) | Rangel |
| Bonior | Johnson (WI) | Reyes |
| Borski | Johnson, E. B. | Rivers |
| Boswell | Kanjorski | Rodriguez |
| Boucher | Kennedy (MA) | Rothman |
| Brown (CA) | Kennedy (RI) | Roybal-Allard |
| Brown (FL) | Kennelly | Rush |
| Brown (OH) | Kildee | Sabo |
| Cardin | Kind (WI) | Sanchez |
| Carson | Kucinich | Sanders |
| Clay | LaFalce | Sandlin |
| Clayton | Lampson | Sawyer |
| Clement | Lantos | Schumer |
| Clyburn | Levin | Scott |
| Conyers | Lewis (GA) | Serrano |
| Costello | Lofgren | Sherman |
| Coyne | Lowey | Skaggs |
| Cramer | Luther | Skelton |
| Cummings | Maloney (CT) | Slaughter |
| Davis (FL) | Maloney (NY) | Smith, Adam |
| Davis (IL) | Manton | Snyder |
| DeGette | Markey | Spratt |
| Delahunt | Martinez | Stabenow |
| DeLauro | Mascara | Stark |
| Deusch | Matsui | Stokes |
| Dicks | McCarthy (MO) | Stupak |
| Dingell | McCarthy (NY) | Tanner |
| Dixon | McDermott | Tauscher |
| Doggett | McGovern | Thompson |
| Dooley | McHale | Thurman |
| Edwards | McIntyre | Tierney |
| Engel | McKinney | Torres |
| Etheridge | McNulty | Towns |
| Farr | Meehan | Velazquez |
| Fattah | Meek (FL) | Vento |
| Fazio | Menendez | Visclosky |
| Filner | Millender- | Waters |
| Forbes | McDonald | Watt (NC) |
| Ford | Miller (CA) | Waxman |
| Frank (MA) | Minge | Wexler |
| Frost | Mink | Weygand |
| Furse | Moakley | Wise |
| Gejdenson | Moran (VA) | Woolsey |
| Gephardt | Murtha | Wynn |
| Gordon | Nadler | Yates |
| Green | Neal | |

NOT VOTING—14

| | | |
|---------|------------|-----------|
| Becerra | Gonzalez | Klink |
| Burton | Hall (OH) | McKeon |
| Cannon | Herger | Pickering |
| Dellums | Istook | Schiff |
| Eshoo | Kilpatrick | |

□ 1250

Mr. SNYDER changed his vote from "yea" to "nay."

Mr. EVANS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Speaker, on rollcall No. 9, I was unavoidably detained en route by traffic. Had I been present, I would have voted "yea".

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, on roll call vote 9, I inadvertently voted "aye." I intended to vote "no."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2846, PROHIBITION ON FEDERALLY SPONSORED NATIONAL TESTING

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2846, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2846, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2021

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2021.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 349 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 349

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport". The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), my very good

friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for debate purposes only.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. SOLOMON. Mr. Speaker, this resolution is a closed rule providing for consideration of S. 1575, which is a bill to rename the Washington National Airport as the, and listen carefully, as the Ronald Reagan Washington National Airport. That will be the name of the airport, if this bill passes.

The rule provides for 1 hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Transportation. The rule also provides that the bill shall be considered as read. Finally, the bill provides 1 motion to recommit.

Mr. Speaker, the passage of this rule will bring us one step closer to finishing the task of renaming the National Airport after a truly great American and an outstanding President, Ronald Wilson Reagan.

At this time I include for the RECORD 2 articles, one which appeared back in 1993 by myself in the CONGRESSIONAL RECORD, and the other by Donald Devine, the former Director of the U.S. Office of Personnel Management that appeared in today's papers.

A TRIBUTE TO RONALD REAGAN

(By Hon. Jerry Solomon)

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York, [Mr. SOLOMON] is recognized for 60 minutes as the designee of the majority leader.

Mr. SOLOMON. Mr. Speaker, I take this special order tonight to pay tribute to a great American, the greatest American that I have ever known, and that is President Ronald Reagan. As you know, I had intended to hold this event last night as a birthday present for the former President, but the House was occupied on an even better birthday present, passage of the line item veto. And what better birthday present could be offered to the President and to Mrs. Reagan than to complete the unfinished business of the Reagan revolution?

I know I speak for every Member of this House, Mr. Speaker, and virtually all Americans in offering President Reagan and his beloved First Lady, Nancy, our prayers and our very best wishes on this very wonderful occasion.

Mr. Speaker, what do you get for the man who has everything, so that saying goes? Well, Mr. Speaker, as we observe President Reagan's birthday, a better question is how do we appropriately honor a man who has done so much for us, for our country and for the cause of freedom around the world? Our tribute this evening should extend beyond the President's accomplishments in office, although they are numerous, too numerous to mention here tonight.

Let us examine Ronald Reagan's record with the benefit of historical reflections. The story has been told that during his darkest hours, President Nixon was reassured by those around him that history would treat him well. Ever sharp and skeptical, President Nixon shot back, "That depends on who is writing the history." In the case of Ronald